

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re

Debtor.

BANKRUPTCY NO.

**Required Chapter 13
Plan Dated:**

☐ Check if this is an
amended plan

[PROPOSED] REQUIRED CHAPTER 13 PLAN

Part 1: Notices

To All Parties in Interest:

The Court has provided guidelines for use of this form that can be found in Local Bankruptcy Rule ____.

To Debtors:

In some places this form provides you with options. You should carefully consider whether you need to elect among the options. If you do, you should carefully consider which option is appropriate.

In the following notice to creditors, you must check each box that applies.

To Creditors:

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation in accordance with Southern District of California Local Bankruptcy Rule 3015-5 within 7 days after the filing of the Notice of Meeting of Creditors Held and Concluded. Untimely objections may not be considered. Any such objections must be noticed for hearing at least 28 days after filing the objection. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance to you. ***Boxes must be checked by debtor(s) if applicable.***

- ☐ The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
- ☐ The plan sets out nonstandard provisions in Part 9.

Part 2: Plan Payments and Length of Plan

2.1 Regular Payments.

Debtor(s) will make regular payments to the trustee as follows:

Check one.

\$ _____ per _____ for 36 months (Applicable commitment period for below median debtor(s))

\$ _____ per _____ for 60 months (Applicable commitment period for above median debtor(s))

\$ _____ per _____ for _____ months (Despite applicable commitment period of 36 months, debtor(s) seek additional time to cure secured or priority arrearage. If fewer than 60 months of payments are required, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in Parts 3 through 6 of this plan. If the debtor(s) fail to make these additional payments, the plan will go into default.)

2.2 Irregular Payments.

Debtor(s) will change the payment amount at different time periods as follows:

[\$ _____ per _____ from _____ months to _____.] *Insert additional lines if needed.*

2.3 Manner of payments.

Regular payments to the trustee will be made from future earnings in the following manner:

Check all that apply.

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
- ☐ Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment): _____.

2.4 Income tax issues.

Check one.

- ☐ Debtor(s) will retain any federal or state tax refunds received during the plan term.
 - ☐ Debtor(s) will not change their withholding exemptions during the plan term unless there is a change in family size and will timely pay all post-confirmation tax liabilities directly to the appropriate taxing authority as they become due.
 - ☐ Debtor(s) will supply the trustee with a copy of each federal and state tax return filed during the plan term within 14 days of filing the return.
 - ☐ Debtor(s) will turn over to the trustee all federal and state income tax refunds, other than earned income or child care tax credits, received during the plan term.
 - ☐ Debtor(s) will supply the trustee with federal and state tax returns filed during the plan term and will turn over to the trustee a portion of any federal and state income tax refunds received during the plan term as specified below.
-
-

2.5 Additional payments.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.
 - ☐ Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.
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2.6 The total amount of estimated payments to the trustee provided for in §§ 2.1 through 2.5 is \$_____.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of any default.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☐ The debtor(s) will maintain the contractual installment payments on the claims listed below, with any changes required by the applicable contract, and cure any default in payments on the secured claims listed below. The allowed claim for any arrearage amount will be paid under the plan, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim or amended proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

Insert additional claims as needed.

Name of creditor	Collateral	Amount of arrearage	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
_____	_____	\$ _____	_____ %	\$ _____	\$ _____
_____	_____	\$ _____	_____ %	\$ _____	\$ _____

Insert additional claims as needed.

3.2 Request for valuation of security and claim modification. Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

- ☐ The debtor(s) request that the court determine the value of the secured claims to be treated in the manner below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as stated below in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court, the amounts listed in proofs of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below. For each listed secured claim, the controlling amount of the claim will be paid in full under the plan with interest at the rate stated below.

To determine the proper valuation of real estate secured claims, the debtor(s) agree to timely file a motion in accordance with Local Bankruptcy Rule 3015-8 in addition to including the creditor in this section of the plan. No such motion is necessary for valuation determinations for personal property secured claims.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien until the earlier of the following events as applicable to the particular secured creditor: 1) payment of the underlying debt determined under nonbankruptcy law; 2) discharge under 11 U.S.C. § 1328, or 3) completion of payments under the plan if the debtors(s) are not entitled to a discharge. After the date applicable to termination of the lien, it will be released by the creditor. See Local Bankruptcy Rule 3015-8.

Name of creditor plus account number	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly plan payment to creditor	Estimated total of monthly payments
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____ %	\$ _____	\$ _____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____ %	\$ _____	\$ _____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____ %	\$ _____	\$ _____

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506 (i.e. hanging paragraph, 910 claims, and claim for which only the payment terms are restructured under the plan).

Check one.

- ☐ **None.** *If "None" is checked, the rest of § 3.3 need not be completed or reproduced.*
- ☐ The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor plus account number	Collateral	Amount of claim	Interest rate	Monthly plan payment
_____	_____	\$ _____	_____ %	\$ _____
_____	_____	\$ _____	_____ %	\$ _____

Insert additional claims as needed.

3.4 Surrender of collateral to secured creditors.

Check one.

- ☐ **None.** *If "None" is checked, the rest of § 3.5 need not be completed or reproduced.*
- ☐ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) consent to termination of the stay under 11 U.S.C. § 362(a) and § 1301 with respect to the collateral upon confirmation of the plan, but the stay will otherwise remain in effect. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	Collateral
_____	_____
_____	_____

3.5 Exclusion of creditor from treatment under the Plan.

Check one.

- ☐ **None.** *If "None" is checked, the rest of § 3.6 need not be completed or reproduced.*
- ☐ The creditor(s) listed below and unsecured creditors will not be provided for under the plan, and the plan will not affect any of their rights under non-bankruptcy law.

Name of creditor

Collateral

Insert additional claims as needed.

Part 4: Treatment of Priority Claims

4.1 Treatment of priority claims and payment of interest

All allowed priority claims other than those treated in §§ 4.4 and 4.5 will be paid in full without interest, unless the plan provides interest to unsecured nonpriority creditors, in which case interest at the rate of ____% will be paid to all creditors for which interest is not otherwise specifically provided under this plan.

4.2 Trustee's fees

The trustee will receive a fee, the percentage of which is set by the United States Trustee in accordance with applicable law. The trustee's fees are estimated to be _____% of plan payments; and during the plan term, they are estimated to total \$_____.

4.3 Adequate protection payments

The trustee will make pre-confirmation adequate protection payments to secured creditor identified in General Order 175-D from plan payments received from debtor(s), as this order may be amended from time to time.

4.4 Domestic support obligations

Check one.

- ☐ **None.** *If "None" is checked, the rest of § 4.5 need not be completed or reproduced.*
- ☐ The allowed priority claims listed below are based on a domestic support obligation owed to a dependent as scheduled or in the amount set forth in a proof of claim, which will control in the event of a conflict.

Name of creditor

Amount of claim to be paid

\$ _____
\$ _____

Insert additional claims as needed.

4.5 Assigned domestic support obligations

- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4), but not less than the amount that would have been paid on such claim if the estate of the debtor(s) were to be liquidated under chapter 7, see 11 U.S.C. § 1325(a)(4).

Name of creditor

Amount of claim to be paid

\$ _____
\$ _____

Insert additional claims as needed.

4.6 Attorney's fees

The balance of the fees awarded by court order to professionals for debtor(s) under 11 U.S.C. § 330 will be paid on a priority basis in installment payments of _____. The total amount of initial fees to be paid is estimated to be \$_____.

4.7 Other priority claims identified in 11 U.S.C. § 507, including unsecured priority tax claims, are included in this section of the plan.

Check one.

- ☐ **None.** *If "None" is checked, the rest of § 4.4 need not be completed or reproduced.*
- ☐ The debtor(s) estimate the total amount of other priority claims to be _____.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 General

Nonpriority unsecured claims will be paid to the extent allowed as specified in this Part.

5.2 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified in this plan will be paid, pro rata, all funds remaining after payment of all other creditors provided under the plan.

Based upon the total payments to the trustee listed in § 2.6 of the plan, minus the claims scheduled, by the debtor(s) that are provided for in §§3.4 and 6 of the plan, the estimated pro-rata payment to allowed nonpriority unsecured claims is \$_____. This amount will not be reduced by claims required to be paid under the plan or by bankruptcy law, but may otherwise increase or decrease.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$_____. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.3 Interest on allowed nonpriority unsecured claims not separately classified. Check one.

- ☐ **None.** If “None” is checked, the rest of § 5.3 need not be completed or reproduced.
- ☐ Interest on allowed nonpriority unsecured claims that are not separately classified will be paid at an annual percentage rate of ____ % under 11 U.S.C. §1325(a)(4), and is estimated to total \$ ____.

5.4 Non-filing co-debtor claim treatment for maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.

- ☐ **None.** If “None” is checked, the rest of § 5.4 need not be completed or reproduced.
- ☐ The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The allowed claim for the arrearage amount will be paid under the plan. Filed proof of claim amounts will control over scheduled amounts of claims.

Name of creditor	Current Installment payment	Amount of claim to be paid over paid
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

Insert additional claims as needed.

5.5 Student loan claims and other separately classified nonpriority unsecured claims. Check one.

- ☐ **None.** If “None” is checked, the rest of § 5.5 need not be completed or reproduced.
- ☐ The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

Name of creditor	Basis for separate classification and treatment	Amount of claim to be paid over life of plan	Interest rate (if applicable)
_____	_____	\$ _____	_____ %
_____	_____	\$ _____	_____ %

Insert additional claims as needed.

Part 6:

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

- ☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.
- ☐ **Assumed items.** The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Property Description	Treatment (Refer to other plan section if applicable)	Current installment payment	Amount of arrearage to be paid
_____	_____	_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____
_____	_____	_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____

Insert additional contracts or leases as needed.

Part 7: Order of Distribution of Trustee Payments

Trustee will have discretion to determine the order of distribution within the requirements of applicable law and whether to reserve payment to claims that are subject to a pending objection.

Part 8: Vesting of Property of the Estate

Property of the estate will not revert in the debtor(s) until a Chapter 13 discharge is granted or the case is dismissed or closed without a Chapter 13 discharge. Before then, the debtor(s) must seek approval of the court to purchase, sell, or refinance real property, or to enter into loan modifications. Revestment will be subject to all liens and encumbrances in existence when the case was filed, except those liens avoided by court order or extinguished by operation of law. In the event the case is converted to a case under chapter 7, 11, or 12 of the Bankruptcy Code, the property of the estate will vest in accordance with applicable law.

Part 9: Nonstandard Plan Provisions

None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions are required to be set forth below.

[SELECT ONE: (Attorney) (Debtor)] Certification

I, _____, am [SELECT ONE: (the Debtor) (legal counsel for the Debtor(s))] in this case and hereby certify the following:

This plan is a true and correct copy of the Required Chapter 13 Plan promulgated by the Bankruptcy Court for the Southern District of California, (the "Standard-Form Plan"); and (ii) except as specified below, there have been no alterations or modifications to any provision of the Standard-Form Plan.

The following provisions of the Standard-Form Plan have been altered or otherwise modified.

[INDICATE THE PAGE NUMBER, SECTION NAME & NUMBER (IF ANY), AND GENERAL SUBJECT-MATTER FOR EACH MODIFICATION]

I declare, under penalty of perjury under the laws of the United States of America, that this certification is true and correct. Executed this ____ day of _____.

Part 10: Signatures

Date _____

Signature of Attorney for Debtor(s)

Date _____

Date _____

Signature(s) of Debtor(s) (required)
